



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

January 28, 2005

Stan Huckaby, Treasurer  
National Republican Senatorial Committee  
425 Second Street NE  
Washington, DC 20002

Response Due Date:  
February 28, 2005

Identification Number: C00027466

Reference: October Monthly Report (9/1/04-9/30/04)

Dear Mr. Huckaby:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Your committee filed 48 hour notices informing the Commission of independent expenditures made in support or opposition of federal candidates with "Dave Hansen Consulting," "Stevens Reed Curcio & Potholm" and "Scott Howel & Company, Inc." as the payee(s). However, the amounts and dates of public dissemination disclosed on these notices do not appear to correlate with the entries on Schedule E, supporting Line 24 for the reporting period. If your committee has filed 48 hour notices supporting independent expenditures not reflected on your reports, you must amend the appropriate reporting periods to disclose these payments on Schedule E. If the entries disclosed on Schedule E reflect payments estimated prior to the dissemination dates, you should amend your report to indicate which payments were estimated on Schedule E. Please amend your report to clarify this discrepancy and provide further information concerning the information disclosed on the notices and the Schedule E entries.

-Your committee filed 48 hour notices for independent expenditures made on behalf of Tom Coburn; however, Schedule E of your report does not disclose a corresponding memo entry or payment for this activity. Please be advised that if a communication is aired in one reporting period and the payment is made in a later reporting period, the independent expenditure should be reported as a memo entry on Schedule E when the

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communication is publicly disseminated and also on a Schedule D if it is a reportable debt under 11 CFR 104.11. Further, during the reporting period that payment for the independent expenditure is made, the report should show a payment on Schedule E and the same payment on Schedule D, if applicable. Please amend your report to provide further clarifying information regarding this activity.

-The independent expenditure schedule (Schedule E) should disclose the following information: the name and mailing address of the payee, the purpose of the expenditure, the date of payment, the amount of payment, the name and office sought, state and district (if applicable) of the federal candidate, the calendar year-to-date, per election, for office sought total, the election designation, an indication of whether the candidate was supported or opposed and the signature of the treasurer. Your report indicates "see cover letter" as the candidate name. The cover letter indicates that the information is provided on the appropriate notice. Please amend Schedule E to include the candidate name and indication of whether the candidate was supported or opposed. 11 CFR §104.3(b)(3)(vii)

-Schedule E of your report indicates that your committee may have failed to file one or more of the required 48 hour notices for independent expenditures (see attached). A political committee must file a 48 hour report with the Federal Election Commission as specified in 11 CFR §104.4(b), within 48 hours of any independent expenditures aggregating \$10,000 or more with respect to a given election, made any time during the calendar year up to and including the 20<sup>th</sup> day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures that aggregate \$10,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

-Schedule B supporting Line 28(a) discloses a refund of a contribution received from "John Edward Dukes" and "James Annenberg Le. Vea." However, it appears that this contribution was not previously reported by your committee. Please amend the appropriate report(s) and disclose the original date of the contribution on Schedule A supporting Line 11(a)(i) of the Detailed Summary Page.

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-Schedule E discloses independent expenditures on behalf of a federal candidate(s). Schedule F of this report discloses coordinated expenditures on behalf of the same candidate(s). Under 2 U.S.C. §431(17), an "independent expenditure" is defined as:

... an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate; and that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized committee, or their agents, or a political party committee or its agents.

Further, 11 CFR §109.21 outlines the factors which define a coordinated communication. Please verify that the independent expenditures made by your Committee in support of the Oklahoma, South Carolina and Alaska Senate races meet the definition of and were properly categorized as independent expenditures. If necessary, amend your reports to disclose the aforementioned transactions as in-kind contributions (Schedule B supporting Line 23 of the Detailed Summary Page) or coordinated expenditures (Schedule F supporting Line 25 of the Detailed Summary Page).

If the reclassification of these expenditures as in-kind contributions results in excessive contributions, the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of \$5,000 per election. If the reclassification of these expenditures as coordinated expenditures results in your committee exceeding the limitations under 2 U.S.C. §441a(d), the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of the 2004 expenditure limitation.

Please inform the Commission of any corrective action immediately in writing and provide a photocopy of your refund request(s) sent to the candidate(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of your next report.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee.

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Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1135.

Sincerely,



Maureen Benitz

Senior Campaign Finance Analyst  
Reports Analysis Division

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Name of Payee	Date	Amount	Purpose	Rate
Stevens Reed Curcio & Potholm	9/17/04	\$525,000.00	Advertising	OK Senate
Stevens Reed Curcio & Potholm	9/30/04	\$321,000.00	Advertising	OK Senate

